

REMARKS

In response to the Office Action mailed August 25, 2004, the Examiner's claim objections and rejections have been considered. Applicants note that claims 1-7 would be allowable upon the filing of a terminal disclaimer. Applicants respectfully traverse all objections and rejections regarding all pending claims and earnestly solicit allowance of these claims.

1. Objections to Specification

The Examiner objects to the specification as failing to provide proper antecedent basis for the subject matter claimed in claims 22, 28, and 29. In particular, the Examiner states that the specification does not support the following limitation in claim 22, "...the second lock is not operated by the first or second key." With respect to claim 28, the Examiner states that the specification fails to provide support for the limitations, "...wherein the first key switch is not operated by the first key" and "...a second key, wherein the second key is configured to operate the first key switch and not operate the first lock." With respect to claim 29, the Examiner states that the specification fails to provide support for the following limitation, "a third key, the third key being configured to operate the second lock, and wherein the third key does not operate the first lock or the first key switch."

In response, the Applicants respectfully submit that there is proper support for the limitations in claims 22, 28, and 29. More specifically, the specification recites that "to provide the various levels of security, each key lock requires a different key to unlock" each key lock and/or key switch. See, page 5, lines 20-21. Furthermore, on page 12, lines 9-10, it is disclosed that "each rotary key switch 242, 245, 248, and 251 are individually keyed (require a separate key to activate/deactivate the switch). Accordingly, specific keys associated with particular locks of the lockable housing provide multiple levels of security. That is, one key is not capable of unlocking all the locks associated with the security cabinet thereby requiring additional key(s) to access additional areas of the security cabinet. In view of the above, the Applicants respectfully submit that the specification provides sufficient support for the above-mentioned claim limitations recited in claims 22, 28, and 29 and respectfully submit that the objection has been overcome.

2. Claim Rejections under 35 U.S.C. § 112

The Examiner rejected claims 8-14, 16-27, 29-35, 39-41, and 43-45 under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter, which the Applicants regard as the invention.

In response, claims 8-14, 16-27, 29-35, 39-41, and 43-45 have been amended to clarify the claimed subject matter by correcting the antecedent basis of the limitation “the apparatus” thereby traversing the rejection. Accordingly, the Applicants respectfully submit that the 35 U.S.C. § 112 rejections to claims 8-14, 16-27, 29-35, 39-41, and 43-45 have also been overcome.

3. Double Patenting Rejection

The Examiner provisionally rejected claims 1-45 under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-25 of prior patent, U.S. Patent No. 6,641,483.

In response, Applicants respectfully submit a terminal disclaimer in compliance with 37 CFR 1.321(c) to overcome the double patenting rejection. Accordingly, Applicants respectfully request reconsideration and allowance of claims 1-45.

4. Claim Rejection 35 U.S.C. § 102—Claims 42-43

The Examiner has rejected claims 42-43 under 35 U.S.C. § 102(a) as being anticipated by Benore et al. In response, the Applicants respectfully submit that Benore et al. does not disclose a lockable security cabinet having “a plurality of unique key means for unlocking the plurality of locking means, wherein each unique key means only unlocks one locking means to provide multiple security levels.” Because each unique key means only unlocks a particular compartment of the security cabinet, access to specific areas is limited to those authorized personnel having the proper key means.

In contrast, Benore et al. does not teach a security cabinet having multiple levels of security. Rather, Benore et al. teaches a safe deposit box having many individual compartments. That is, if a person were to access an individual compartment of the safe deposit box, they would not be able to further access a different portion of the compartment if they had an additional key. Accordingly, the Applicants respectfully submit that Benore et al. does not anticipate

independent claim 42 and dependent claim 43, and that the rejections under 35 U.S.C. § 102(a) have been overcome.

With respect to claim 43, the Applicant further submits that claim 43 is not anticipated by Benore et al. Claim 43 requires that the lockable security cabinet has a “display means for displaying information disposed on the housing” of the security cabinet. Benore et al. does not teach a security cabinet having a display on the housing. Rather, as shown in Figure 12, the display means is provided on an electronic key (182). Thus, Applicants submit that the electronic key is not “a display means for displaying information disposed on the housing of the locking cabinet” as recited in the claim 43. That is, the display in Benore et al. is associated with the key rather than with the housing. Thus, the Applicants submit that Benore et al. does not anticipate claim 43 and that the rejections under 35 U.S.C. § 102(a) has been overcome.

5. Claim Rejections under 35 U.S.C. § 103(a) – Claim 44

The Examiner rejected claim 44 under 35 U.S.C. § 103(a) as being unpatentable over Benore et al. The Examiner admits that Benore et al. fails to provide an input means and processor means disposed on the housing. Nevertheless, the Examiner, asserts that providing the input means on the housing and the processor means in the housing would have been a matter of design choice.

In response, the Applicants note that claim 44 is a dependent claim that depends from independent claim 42. In light of the arguments submitted in Section 4 of this response, the Applicants respectfully submit that dependent claim 44 is not obvious in view of Benore et al. because this reference fails to teach or suggest “a plurality of unique key means for unlocking the plurality of locking means, wherein each unique key means only unlocks one locking means to provide multiple security levels.” Moreover, this dependent claim further recites and defines the claimed invention, and thus, is independently patentable for additional reasons, as well. In conclusion, the Applicants respectfully submit that the 35 U.S.C. § 103(a) rejection of claim 44 has been overcome.

6. Claim Rejections under 35 U.S.C. § 103(a) – Claim 45

The Examiner rejected claim 45 under 35 U.S.C. § 103(a) as being unpatentable over Benore et al. in view of Pipe. The Examiner admits that Benore et al. fails to disclose an indicator means disposed on the housing where the indicator means provides a visual indication of the status of the processor means. Nevertheless, the Examiner cites Pipe as teaching a file storage cabinet comprising an indicator means for providing visual indication of the status of the processor means. The Examiner then concludes that it would have been obvious to one of ordinary skill in the art at the time of the invention was made to provide the indicator means as taught by Pipe in the Benore type system in order to provide instant visual status of the cabinet.

In response, the Applicants note that claim 45 is a dependent claim that depends from independent claim 42. In light of the arguments submitted in Section 4 of this response, the Applicants respectfully submit that dependent claim 45 is not obvious in view of Benore et al. and Pipe because these references fail to teach or suggest “a plurality of unique key means for unlocking the plurality of locking means, wherein each unique key means only unlocks one locking means to provide multiple security levels.” Moreover, this dependent claim further recites and defines the claimed invention, and thus, is independently patentable for additional reasons as well. In conclusion, the Applicants respectfully submit that the 35 U.S.C. § 103(a) rejection of claim 45 has been overcome.

CONCLUSION

Applicants have made an earnest and bona fide effort to clarify the issues before the Examiner and to place this case in condition for allowance. Reconsideration and allowance of all of claims 1-45 is believed to be in order, and an early Notice of Allowance to this effect is respectfully requested. If the Examiner should have any questions concerning the foregoing, the Examiner is invited to telephone the undersigned attorney at (310) 712-8323. The undersigned attorney can normally be reached Monday through Friday from about 9:30 AM to 6:30 PM Pacific Time.

Respectfully submitted,

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